

REAUTHORIZE THE NATIONAL ESTUARY PROGRAM

SEPTEMBER 13, 2004.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 4731]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 4731) to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 4731 is to amend section 320 of the Federal Water Pollution Control Act (the Clean Water Act) to reauthorize the National Estuary Program within the Environmental Protection Agency (EPA).

BACKGROUND AND NEED FOR LEGISLATION

Estuaries, which are partially enclosed waterbodies where freshwater from land drainage through rivers or streams flows into an open sea or the ocean, are unique and highly productive waters that are important to the ecological and economic bases of our nation. In particular, fisheries, wildlife, recreation, and tourism are heavily dependent on healthy estuarine systems. Yet, despite their value, most estuaries in the United States are experiencing stress from physical alteration and pollution often resulting from development and rapid population growth in coastal cities and counties. In the mid-1980s, Congress recognized the importance of and the need to protect the natural functions of estuaries. As a result, in 1987, as part of P.L. 100-4, the 1987 amendments to the Clean Water

Act, Congress amended the Clean Water Act to add a new section 320, authorizing the National Estuary Program.

The National Estuary Program is designed to promote comprehensive planning for long-term protection of estuaries through collaborative voluntary efforts of Federal, State, local, non-profit, and private interests. Once a Governor nominates an estuary for inclusion in the National Estuary Program, and if EPA determines the estuary is “nationally significant,” it is accepted, and becomes eligible for technical assistance and grant funding. Then a collaborative decision-making process begins where stakeholders develop and implement long-term management plans, called “Comprehensive Conservation and Management Plans” (CCMPs). CCMPs are to recommend priority actions and schedules to protect the estuaries, restore and maintain their chemical, physical, and biological integrity, and control pollution sources. Stakeholders may include State and local governments, Federal officials, private and non-profit interests, industrial, recreational, or other user groups, and academic or scientific experts. The goal is for the stakeholders to be partners in developing and implementing the CCMPs.

Once it accepts an estuary into the National Estuary Program, EPA supports the effort with technical assistance and grants. Twenty-nine of the approximately 130 estuaries in the United States have been incorporated into the National Estuary Program. Each National Estuary Program estuary has completed its planning process and has begun CCMP implementation.

In 2000, in P.L. 106–457, Congress reauthorized section 320 through fiscal year 2005, added authority to assist in funding of CCMP development and implementation, and increased the authorization ceiling for the National Estuary Program to \$35 million per year.

SUMMARY OF THE LEGISLATION

Section 1. Reauthorization of the National Estuary Program

Section 1 of H.R. 4731 amends section 320 of the Clean Water Act to extend the authorization of appropriations of \$35 million per year in support for the National Estuary Program through fiscal year 2010.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

The Water Resources and Environment Subcommittee held a hearing on H.R. 4731 and other legislation on July 8, 2004. Testimony was given by a representative of the Association of National Estuary Programs.

The Water Resources and Environment Subcommittee met on July 15, 2004, to consider H.R. 4731 and other legislation. The Subcommittee reported the bill without amendment favorably to the Committee on Transportation and Infrastructure, by voice vote. The Committee on Transportation and Infrastructure met in open session on July 21, 2004, and ordered the bill reported, without amendment, to the House by voice vote.

ROLLCALL VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each rollcall vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no recorded votes taken in connection with ordering H.R. 4731 reported. A motion to order H.R. 4731 reported to the House was agreed to by voice vote.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

COST OF LEGISLATION

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included below.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objective of this legislation are to restore and protect estuaries of national significance around the nation through the cooperative efforts of Federal, State, and local public and private stakeholders.

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 4731 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 10, 2004.

Hon. DON YOUNG,
*Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4731, a bill to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Susanne S. Mehlman

(for federal costs) and Gregory Waring (for the state and local impact).

Sincerely,

ELIZABETH M. ROBINSON
(For Douglas Holtz-Eakin, Director).

Enclosure.

H.R. 4731—A bill to amend the Federal Water Pollution Control Act to reauthorize the National Estuary Program

Summary: H.R. 4731 would extend the authorization of appropriations for the Environmental Protection Agency's (EPA's) National Estuary Program from fiscal year 2005 to 2010. Under current law, \$35 million is authorized to be appropriated each year through 2005, and enacting this legislation would maintain the same authorized annual funding level for subsequent years. Such funding would be used to coordinate federal, state, and local efforts to protect estuaries. CBO estimates that implementing H.R. 4731 would cost \$112 million over the 2006–2010 period, assuming appropriation of the authorized amounts.

Enacting the bill would not affect direct spending or revenues. H.R. 4731 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: For purposes of this estimate, CBO assumes that the bill will be enacted near the start of fiscal year 2005 and that the amounts authorized will be appropriated for each fiscal year. Estimated outlays are based on historical spending patterns for similar activities. The estimated budgetary impact of H.R. 4731 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and the environment).

	By fiscal year, in millions of dollars—					
	2004	2005	2006	2007	2008	2009
SPENDING SUBJECT TO APPROPRIATION						
Spending for the National Estuary Program under current law:						
Authorization level ¹	25	35	0	0	0	0
Estimated outlays	25	29	19	5	1	0
Proposed changes:						
Authorization level	0	0	35	35	35	35
Estimated outlays	0	0	14	29	34	35
Spending for the National Estuary Program under H.R. 4731:						
Authorization level ¹	25	35	35	35	35	35
Estimated outlays	25	29	33	34	35	35

¹ The 2004 level is the amount appropriated for that year to EPA to implement the National Estuary Program. The 2005 amount is the level authorized under current law for the program.

Intergovernmental and private-sector impact: H.R. 4731 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local or tribal governments. State and local governments would benefit from the bill's extension of grants, technical assistance, monitoring, and restoration activities for estuaries. Any expenditures made by those governments to satisfy the matching requirements of the grants would be incurred voluntarily.

Estimate prepared by: Federal Costs: Susanne S. Mehlman. Impact on State, Local, and Tribal Governments: Gregory Waring. Impact on the Private Sector: Amina Masood.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104-4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 4731 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104-1).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

SECTION 320 OF THE FEDERAL WATER POLLUTION CONTROL ACT

SEC. 320. NATIONAL ESTUARY PROGRAM.

(a) * * *

* * * * *

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator not to exceed \$35,000,000 for each of fiscal years 2001 through **2005** *2010* for—

(1) * * *

* * * * *

